

# Battery Energy Storage System

## KEY INFORMATION

**Ward -W02 - Lochee**

**Address**

Star Inn Farm - C12 From  
A90 at Star Inn Farm To  
U329 at Mains Of Fowlis,  
Dundee

**Applicant**

Sunshine Project 01 Limited

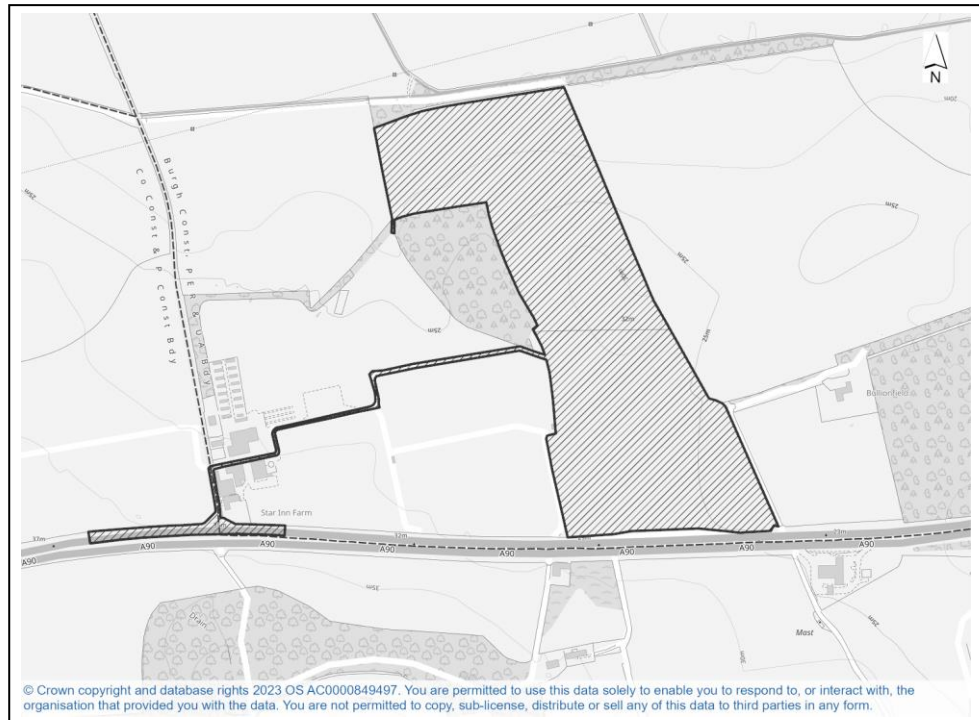
**Agent**

Murray Planning Associates

**Registered:** 25.08.2023

**Report by Head of Planning  
& Economic Development**

**Contact:** Edward Bean



## SUMMARY OF REPORT

- Planning permission is sought for the installation of a battery energy storage system with associated infrastructure on agricultural land at Star Inn Farm, Mains of Fowlis.
- The proposal comprises 30 battery containers and associated infrastructure, contained within a fenced compound. The proposal also includes an access track and landscaping. The facility has a generation capacity of 49.9 megawatts.
- The application site is located within an area designated as Open Countryside in the Dundee Local Development Plan 2019.
- The application is not fully in accordance with the Development Plan. However, there are material considerations which support approval of planning permission subject to conditions.
- The statutory neighbour notification process was undertaken, and the application advertised in the local press. No letters of objection have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is classed as a Major development as identified in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. It is a Major development due to the capacity of the battery energy storage system exceeding 20 megawatts.
- More details can be found at: <https://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?keyVal=S03VWVGC0CS00&activeTab=summary>

## RECOMMENDATION

**The proposal is not fully in accordance with the Development Plan. There are material considerations of sufficient weight to support approval of planning permission. It is therefore recommended that planning permission be APPROVED subject to conditions.**

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## 1 DESCRIPTION OF PROPOSAL

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- 1.1 The application is for a battery energy storage system (BESS) with associated infrastructure. The batteries would store electricity and allow the local electricity network to operate more efficiently by taking excess energy, storing it and releasing it onto the network when the grid needs it at times of peak demand.
- 1.2 The development would comprise the following main elements:
- 30 no containerised battery units (2.9m high) and 15 no. power conversion systems within separate containers (2.9m high), organised in a grid formation;
  - 2 x substation cabins (2.9m high);
  - 1 x spare parts container (2.9m high);
  - 6 no. infrared CCTV cameras and a satellite communications dish on 3m high poles;
  - the fenced compound which would contain the battery containers and associated infrastructure would measure some 118 metres in length by 47 metres in width;
  - a 2.1m high mesh steel security fence with gate (painted dark green) surrounding the compound;
  - a 4m high acoustic barrier along the partial length of the south and west edges of the BESS compound;
  - a 4m wide crushed aggregate access track connecting the battery compound to the existing farmyard to the west;
  - mitigation planting in the form of a reinforced field margin, new tree groups, and wildflower grassland; and
  - all containers and fencing will be painted a dark green colour to mitigate their visual appearance within the landscape.
- 1.3 Vehicular access to the development is proposed via the existing vehicular access to the Star Inn Farm from the C12 Benvie Road to the west of the application site. The site access on the Benvie Road joins the A90 trunk road to the south, which passes close to the south boundary of the application site.
- 1.4 The developer has advised that the equipment would be decommissioned after an expected 40-year life span, returning the land to its original full agricultural use afterwards.
- 1.5 The applicant has submitted the following in support of the application:
- Pre-application Community Consultation Report;
  - Design and Access Statement;
  - Site Location Plan;
  - Site Layout Plan;

- Elevations Plans;
- Landscape Visual Impact Assessment;
- Ecological Assessment;
- Heritage Statement;
- Noise Assessment;
- Soil Assessment;
- Transport, Construction Management Plan;
- Flood Risk and Drainage Assessment;
- Tree Report; and
- Landscape Mitigation Plan.

Figure 1 – Proposed Site Plan

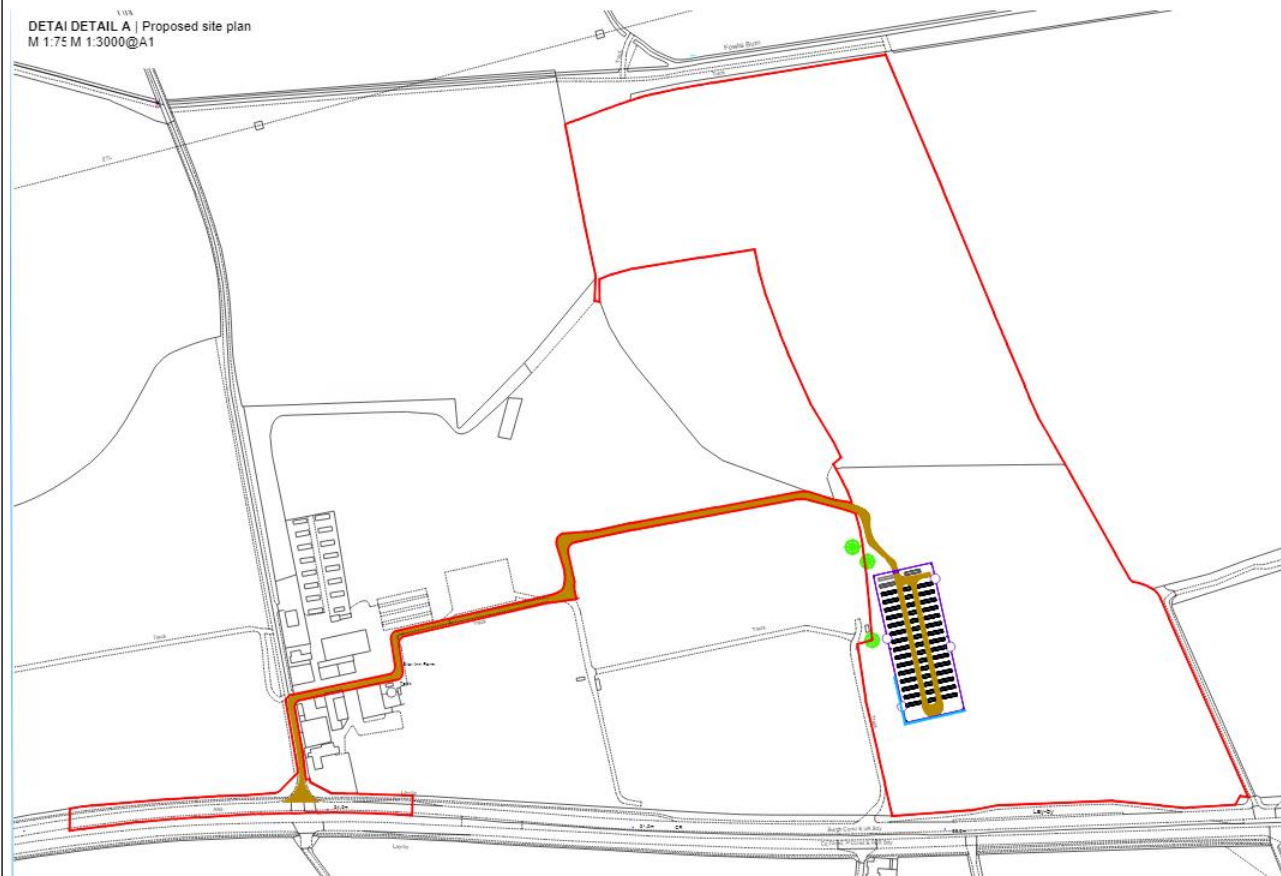


Figure 2 – Proposed Block Plan

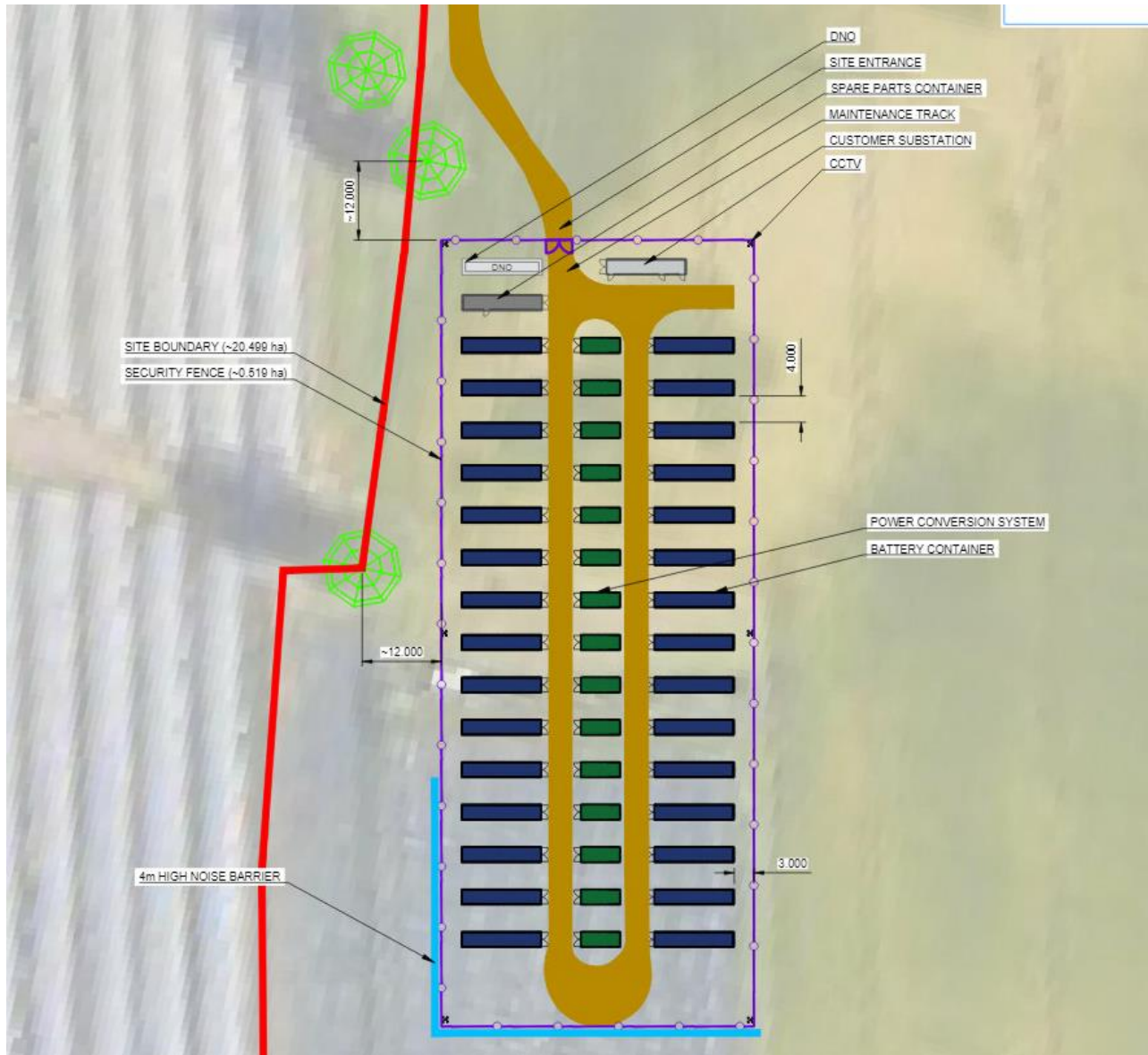
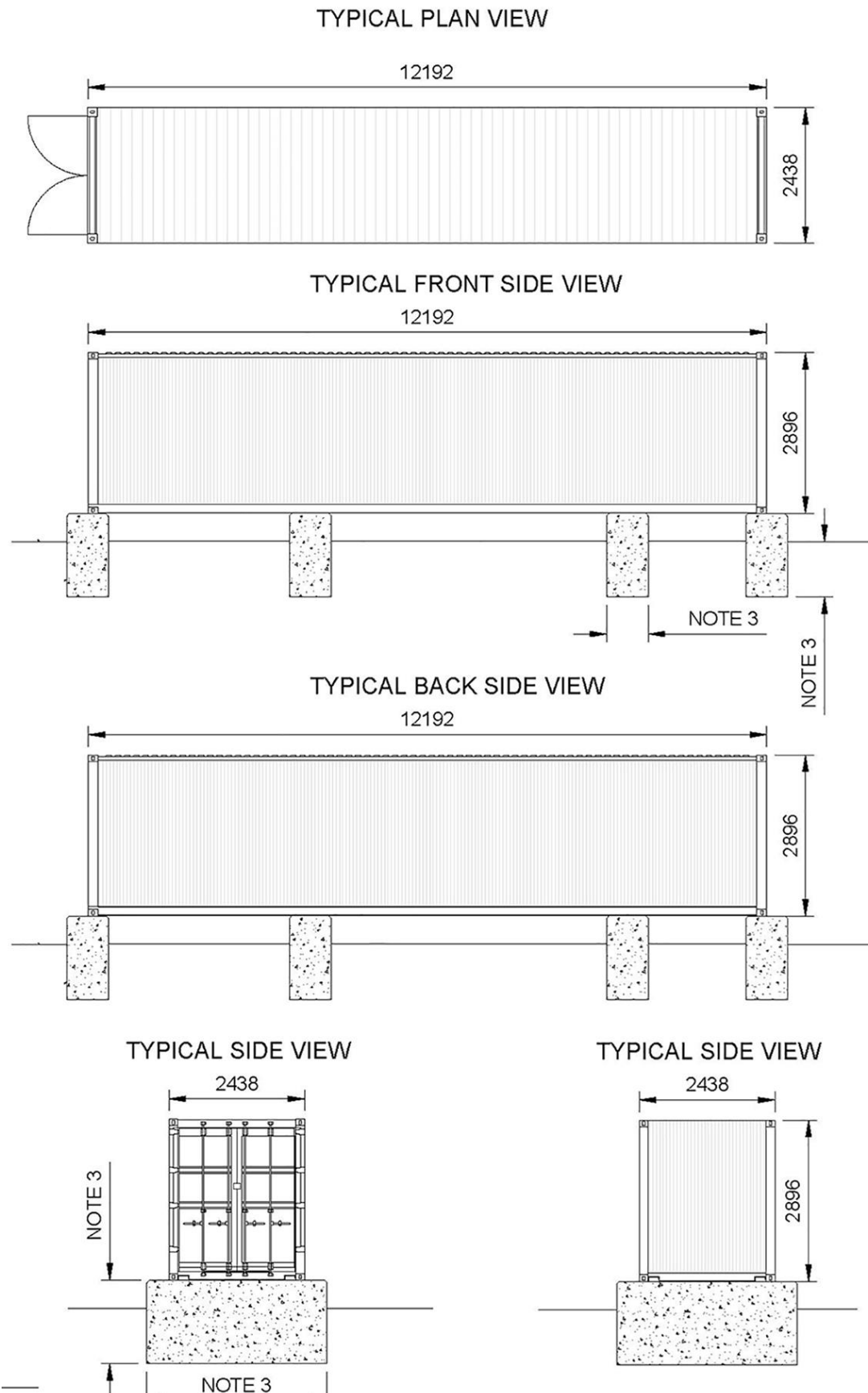


Figure 3 – Proposed elevations of single battery unit



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## 2 SITE DESCRIPTION

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- 2.1 The application site lies in a rural location, directly to the north of the layby at the side of the A90 trunk road, and forms part of Star Inn Farm, which operates as a soft fruit farm.
- 2.2 The site lies largely within a field which covers an area of approximately 11 hectares of agricultural land, with the proposed BESS compound to be located in the south-west corner of the field and occupying approximately 0.56 hectares. The remainder of the site incorporates an existing access track to the west which passes through land belonging to the farm and emerges on to the C12 Benvie Road before joining the A90 trunk road. The main part of the application site is bound by agricultural land to the north and west. To the east lies agricultural land, as well as a vehicular access track leading to the residential property of Bullionfield. To the south lies the A90 trunk road, which also forms the border with the administrative area of Perth & Kinross Council.
- 2.3 The area where the compound would be located is currently partially occupied by polytunnels and weed suppression matting but is no longer being actively used for agricultural purposes. It is screened from the south by established trees along the field boundary with the layby on the north side of the A90.
- 2.4 The application site is located within an area designated as Open Countryside in the Dundee Local Development Plan 2019.



Figure 4 – View of Existing Polytunnels Facing North



Figure 5 – View Towards Existing Polytunnels Facing South





Figure 6 – View of Application Site Facing North From A90



Figure 7 – View of Application Site Facing South Towards A90

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## 3 POLICY BACKGROUND

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3.1 The following plans and policies are considered to be of direct relevance:

**NATIONAL PLANNING FRAMEWORK 4**

Policy 1: Tackling the climate and nature crises

Policy 2: Climate mitigation and adaptation

Policy 3: Biodiversity

Policy 4: Natural places

Policy 5: Soils

Policy 6: Forestry, woodlands and trees

Policy 7: Historical Assets and Places

Policy 9: Brownfield, vacant and derelict land and empty buildings

Policy 11: Energy

Policy 13: Sustainable transport

Policy 14: Design, quality and place

Policy 22: Flood risk and water management

Policy 23: Health and safety

Policy 29: Rural development

**DUNDEE LOCAL DEVELOPMENT PLAN 2019**

Policy 1: High Quality Design and Placemaking

Policy 31: Development within the Open Countryside

Policy 34: Protected Species

Policy 35: Trees and Urban Woodland

Policy 36: Flood Risk Management

Policy 37: Sustainable Drainage Systems

Policy 39: Environmental Protection

Policy 41: Land Contamination

Policy 44: Waste Management Requirements for Development

Policy 45: Energy Generating Facilities

Policy 52: Scheduled Monuments and Archaeological Sites

Policy 54: Safe and Sustainable Transport

Policy 56: Parking

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

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## 4 SITE HISTORY

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4.1 There is no recent planning application history relevant to the determination of this current application.

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## 5 PUBLIC PARTICIPATION

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5.1 A Pre-application Community Consultation Report has been submitted with this Major planning application. This sets out what has been done during the pre-application phase to comply with the statutory requirements for pre-application consultation with the public. The Report states that the applicant hosted two public consultation events at a local hotel, and an online session.

- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 One letter of support was received. The letter considers that sufficient screening should be proposed to provide an effective visual barrier and enhance the biodiversity around the application site.

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## 5 CONSULTATIONS

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- 6.1 **Archaeological Consultant** - has reviewed the submitted Heritage Assessment which confirms the presence of archaeology on site. It is therefore recommended a condition be attached to any consent requiring a programme of archaeological works be implemented prior to any construction.
- 6.2 **Head of Community Safety and Protection** – commented on the following matters:
- Contamination** – The Head of Community Safety and Protection requests that conditions are included for the submission and approval of a Preliminary Risk Assessment for contaminated land, together with (if required) an Intrusive Investigation and a scheme to deal with any contamination. Conditions will also require a remediation strategy along with verification proposals. Subject to the imposition of such conditions, the Head of Community Safety and Protection does not object to the proposals.
- Noise** – a Noise Impact Assessment was submitted for review. This explains that in order to predict the noise emission levels of the proposed development, noise modelling has been based on candidate plant typical for the size and class of the proposed development, noting that the final plant specifications for the development may vary during the tendering process. The Head of Community Safety and Protection advises that conditions should be included which require the submission of an updated NIA, together with demonstration that noise limits/levels can be complied with.
- 6.3 **Head of Environment** – recommends that a detailed landscape and maintenance plan, together with tree protection plan is provided prior to works beginning. A preliminary bat roost survey should be carried out prior to tree removal. Subject to conditions requiring the above, the Head of Environment does not object to the proposal.
- 6.4 **Head of Sustainable Transport and Roads** – reviewed the Construction Traffic Management Plan submitted with the application and is satisfied with its conclusion. Does not advise that any conditions are required upon grant of consent.
- 6.5 **Transport Scotland** - Has no objection to the application.

## 7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**

### THE DEVELOPMENT PLAN

The provisions of the National Planning Framework 4 relevant to the determination of this application are specified in the Policy Background section above.

**NATIONAL PLANNING FRAMEWORK 4**

- 7.2 **Policy 1: Tackling the Climate and Nature Crises** - states when considering all development proposals, significant weight will be given to the global climate and nature crises.
- 7.3 Through the assessment of this planning application consideration has been given to the global climate and nature crises. The assessment of the proposal against policies relating to biodiversity, transport, waste, flooding and drainage considers the local level effects of development, which can collectively with other developments have an impact on the global climate and nature crises.
- 7.4 The Planning Statement submitted by the applicant advises that the proposed development would contribute to achieving net zero by 2050 by increasing the amount of zero carbon renewable electricity generated and supplied to the National Grid.
- 7.5 The proposal includes enhancements to planting within the site and measures to support wildlife which will contribute positively to the ecological value of the site. The proposed development is to also include above ground sustainable drainage infrastructure including a basin and swales.
- 7.6 The Scottish Government's Energy Storage: Planning Advice document (2013) provides advice for Planning Authorities on energy storage and states that energy can be stored at variable scales, for both electricity and heat, in a number of ways, through technologies such as hydro pumped storage, hydrogen and fuel cells, compressed air and cryogen. This document further advises that a clear case has been made that, if the energy sector is to maximise environmental, economic and social benefits, renewable energy will need to be linked to energy storage. Energy storage technologies can counteract intermittency associated with certain energy supplies, can ensure excess power is not lost at times of high production and can provide energy on demand off-grid in a variety of ways. Oversupply is likely to become more prevalent the closer Scotland gets to realising its 100% electricity from renewables target. It is also expected that energy storage will be essential if Scotland is to realise its ambition to become a renewable energy exporter and to attract the economic advantages of ensuring that the energy storage supply chain locates in Scotland.
- 7.7 The proposed development itself would help to facilitate renewable energy production whilst resulting in enhanced biodiversity.
- 7.8 **The proposal is in accordance with Policy 1.**
- 7.9 **Policy 2: Tackling the Climate and Nature Crises** – states that:
- a development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible; and
  - b development proposals will be sited and designed to adapt to current and future risks from climate change.
- 7.10 In respect of part a), the applicant explains that the proposals are a direct form of zero carbon generating technology that will assist with allowing other low carbon forms of energy generating technologies to come forward. The proposals will therefore offset their lifecycle greenhouse gas emissions.
- 7.11 In respect of part b), there are areas at risk of surface water flooding within the boundary of the site. However, the layout of the proposed development does not cross these areas, and

therefore is shown to be at a little to no risk from surface water flooding. Based upon the degree of risk of flooding and the fact that the proposals are supported by a proposed SuDS system, it is considered that the proposal is able to adapt to current and future risks from climate change.

7.12 **The proposal is in accordance with Policy 2.**

7.13 **Policy 3 (Biodiversity) Part b)** – states development proposals for national or major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

- i the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
- ii wherever feasible, nature-based solutions have been integrated and made best use of;
- iii an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
- iv significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
- v local community benefits of the biodiversity and/or nature networks have been considered.

7.14 Although the wider application site comprises an area of land that is in use for cereal crops, the area which will be covered by the proposed battery energy storage system is partially occupied by polytunnels and weed suppression matting. The land subject of the proposed development has already partially been developed.

7.15 **Criteria i** – the applicant has submitted a Biodiversity Net Gain assessment (BNG) which includes an existing habitat condition assessment, broken down into area-based habitats that are measured in hectares (eg woodland, grassland or lakes), and terrestrial linear habitats that are measured in kilometres (hedgerows and tree lines). The applicant has shown through the submitted BNG assessment that the proposal is based on an understanding of the existing characteristics of the site and its ecological context prior to development. The BNG assessment finds that the proposed development will result in the loss of two types of habitat, vacant and derelict land (the area covered by the polytunnels) and cereal crops. The appraisal did not identify any irreplaceable habitats and noted that the habitats recorded were of poor biodiversity value and as such any mitigation and enhancement is likely to have a positive effect on biodiversity.

7.16 **Criteria ii** - the proposal includes a drainage strategy which considers a range of measures for managing surface water and these include several nature-based solutions including above ground basins and swales. The proposal also includes the planting of 0.07ha of new trees, 0.45km of hedgerow, and the creation of 0.97ha of wildflower meadow.

- 7.17 **Criteria iii and iv** - to mitigate the impacts of the proposed development upon wildlife, the proposals include the planting of 0.07ha of new trees, 450m of hedgerow, and the creation of 0.97ha of wildflower meadow. The BNG assessment advises that with the creation of new habitats and hedgerows proposed through the aforementioned mitigation planting, post development there will be a +1.32% (habitats) and +184.97% (linear) biodiversity net gain. This score highlights that the proposed development will offer significant biodiversity enhancements to the site. The BNG assessment also recommends measures to further enhance biodiversity within the site are implemented. The measures to enhance biodiversity include bird/bat boxes, traffic calming measures, fencing gaps, bat friendly lighting etc.
- 7.18 **Criteria v** – as the site is not publicly accessible, the site currently has little to no local community benefit in respect of biodiversity or any local nature network. This would not change post development.
- 7.19 The applicant has submitted a basic landscaping plan which confirms trees, hedging and wildflower grassland is to be provided within the site. It is recommended the implementation of measures to enhance biodiversity and landscaping as required by the criteria of Policy 3 are controlled by condition.
- 7.20 **The proposal is in accordance with Policy 3 subject to conditions.**
- 7.21 **Policy 4 (Natural Places) Part f** - states development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.
- 7.22 The applicant has submitted a Biodiversity Net Gain assessment (BNG) with the application, which advises that no evidence of protected species has been recorded within the site boundary.
- 7.23 The proposal would have no detrimental impact on any protected species, and mitigation measures are to be implemented as part of the proposals which support wildlife including new planting and landscaping.
- 7.24 **The proposal is in accordance with Policy 4.**
- 7.25 **Policy 5 (Soils) Part b** states development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
- i essential infrastructure and there is a specific locational need and no other suitable site;
  - ii small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
  - iii the development of production and processing facilities associated with the land produce where no other local site is suitable; and
  - iv the generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration.

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

- 7.26 Land within the site which would be covered by the battery energy storage system compound is classified on the National Soil Map of Scotland as “brown soils within land capability for agricultural Class 2”, which is defined as prime agricultural land. The proposed development of the battery energy storage system would therefore result in the development of part of the wider area of prime agricultural land.
- 7.27 Battery storage was confirmed by the Scottish Government’s Chief Planner as an energy generating development in the letter issued to the Heads of Planning Scotland in August 2020. The letter advises ‘The Scottish Government considers that a battery installation generates electricity and is therefore to be treated as a generating station’.
- 7.28 With reference to Criteria iv, the planning statement submitted by the applicant advises that the proposed battery energy storage system (BESS) would act as a grid balancing service. The BESS would store excess electricity energy from the national electricity grid and release it onto the network when the grid needs it at times of peak demand. The statement explains that the electricity being stored in the BESS would be predominantly from renewable sources due to an increase in the amount of renewable energy generation (mainly wind and solar energy) installations resulting in high volumes of intermittent energy generation which needs to be balanced. The balancing offered by the BESS would help manage the supply and demand of electricity across the grid network and ensure constant power supplies for all electricity users. The proposed BESS would therefore play an intrinsic role in the production and generation of energy from renewable sources.
- 7.29 For the reasons above, the proposed battery energy storage system is considered to be the generation of energy from renewable sources.
- 7.30 The proposal will result in the loss of prime agricultural land. Although the proposed BESS is a long-term but temporary use of the land, careful restoration of the site to agricultural use afterward would avoid any permanent adverse impacts on the local environment and will provide opportunities for positive enhancement of the site. It is therefore considered appropriate that details of how the developer intends to restore the site to agricultural use after the development has been decommissioned are controlled via condition. Furthermore, the planning statement submitted advises that the landowner has confirmed that the area of land currently covered by the polytunnels is no longer in use following poor yields from historic crop growing, and is therefore not currently suitable for crop growing purposes.
- 7.31 **The proposal is in accordance with Policy 5, subject to condition.**
- 7.32 **Policy 6 (Forestry, Woodland and Trees) Part a)** - states that development proposals that enhance, expand and improve woodland and tree cover will be supported.
- 7.33 All existing trees within the boundary of the application site are to be retained. The applicant has submitted a basic landscaping plan which confirms that additional trees, hedging and wildflower grassland are to be provided within the site as part of the proposals. The landscaping proposals not only contribute to the biodiversity of the site but will also provide visual screening of the BESS compound from out with the site. It is recommended that conditions are attached to any planning permission granted to ensure the proposed landscaping is implemented, and that any new trees and shrubs which die or become damaged are replaced to maintain the desired screening effect, providing an attractive development and contributing to the environmental quality of the application site.
- 7.34 **The proposal is in accordance with Policy 6, subject to condition.**

- 7.35 **Policy 7 (Historical Assets and Places) Part o)** - states non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.
- 7.36 There are no archaeological sites/monuments recorded within the immediate area. However, the submitted Heritage Assessment confirms the presence of archaeology on site. It is therefore recommended that a programme of archaeological works be progressed prior to any works on site to ensure appropriate investigations are undertaken, and if any remains are identified they will require to be investigated, recorded and recovered in advance of loss to development.
- 7.37 **The proposal is in accordance with Policy 7, subject to condition.**
- 7.38 **Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) Part b)** - states proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the local development plan.
- 7.39 The proposal seeks to erect a battery energy storage system with associated infrastructure on agricultural land. Although the wider application site comprises an area of land that is used for cereal crops, the area which will be covered by the proposed battery energy storage system is partially occupied by polytunnels and weed suppression matting, with the northern portion of the compound being located on an area of cereal crop greenfield land. Therefore, whilst part of the development is located on brownfield land, the remainder is located on greenfield land, which in this location, is not allocated for such use nor explicitly supported by policies in the local development plan.
- 7.40 **The proposal is not in accordance with Policy 9 Part b).**
- 7.41 **Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) Part c)** - states where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- 7.42 The Head of Community Safety and Protection has reviewed the reporting submitted with the application and advises that a Preliminary Risk Assessment for contaminated land is required in order to determine the extent of any possible contamination on the site. Planning conditions are recommended requiring the submission and approval of a Preliminary Risk Assessment for contaminated land, together with (if required) an Intrusive Investigation and a scheme to deal with any contamination. Conditions will also require a remediation strategy along with verification proposals.
- 7.43 **The proposal is in accordance with Policy 9 Part c) subject to conditions.**
- 7.44 **Policy 11 (Energy) Part a)** states that Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
- a wind farms including repowering, extending, expanding and extending the life of existing wind farms;
  - b enabling works, such as grid transmission and distribution infrastructure;
  - c energy storage, such as battery storage and pumped storage hydro;



- d small scale renewable energy generation technology;
- e solar arrays;
- f proposals associated with negative emissions technologies and carbon capture; and
- g proposals including co-location of these technologies.

7.45 This planning application seeks planning permission for the development of a battery energy storage system (BESS) and ancillary infrastructure, a form of zero emissions technology which is explicitly supported by criteria iii) of Policy 11 Part a).

7.46 **Part e) of Policy 11** states that project design and mitigation will demonstrate how the following impacts are addressed:

- i impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
- ii significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;
- iii public access, including impact on long distance walking and cycling routes and scenic routes;
- iv impacts on aviation and defence interests including seismological recording;
- v impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
- vi impacts on road traffic and on adjacent trunk roads, including during construction;
- vii impacts on historic environment;
- viii effects on hydrology, the water environment and flood risk;
- ix biodiversity including impacts on birds;
- x impacts on trees, woods and forests;
- xi proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
- xii the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
- xiii cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator.

In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

- 7.47 Criteria i - relevant to this proposal, visual and noise impact are assessed in detail under NPF4 policies 14 and 23 respectively, where it is found that the proposals would have an acceptable impact, subject to conditions.
- 7.48 Criteria ii - visual impact is assessed in detail under NPF4 policy 14. It is found that appropriate design mitigation has been applied and that the proposals would have an acceptable visual impact, subject to conditions.
- 7.49 Criteria iii - the proposals do not impact any public access routes.
- 7.50 Criteria iv - the proposals do not impact on any aviation or defence interests.
- 7.51 Criteria v - the proposals do not impact on any telecommunications or broadcasting installations.
- 7.52 Criteria vi - impacts on the road network are assessed in detail under NPF4 Policy 13. The Head of Sustainable Transport and Roads has reviewed the Construction Traffic Management Plan submitted with the application and is satisfied with its conclusion. In addition, Transport Scotland have reviewed the proposals and are content the proposals would not have an adverse impact on the adjacent A90 Trunk Road.
- 7.53 Criteria vii - impacts on historic environment are assessed in detail under NPF4 Policy 7. The assessment details that whilst there are no archaeological sites/monuments recorded within the immediately area, the submitted Heritage Assessment confirms the presence of archaeology on site. It is therefore recommended that a programme of archaeological works be progressed prior to any works on site to ensure appropriate investigations are undertaken.
- 7.54 Criteria viii - effects on hydrology, the water environment and flood risk are assessed in detail under NPF4 Policy 22, where it is found that any impacts can be mitigated with the implementation of a suitable a drainage strategy and SUDS system.
- 7.55 Criteria ix - biodiversity including impacts on birds is assessed in detail under NPF4 Policy 3, where proposals to mitigate the impacts of the proposed development upon wildlife are detailed.
- 7.56 Criteria x. impacts on trees, woods and forests are assessed in detail under NPF4 Policy 6. The assessment details that all existing trees within the boundary of the application site are to be retained, and additional trees and hedging is to be provided within the site as part of the proposals.
- 7.57 Criteria xi and xii - although the proposed BESS is a long-term use of the land, careful restoration of the site to agricultural use afterward would avoid any permanent adverse impacts on the local environment and will provide opportunities for positive enhancement of the site. Details of how the developer intends to restore the site to agricultural use after the development has been decommissioned are controlled via condition.
- 7.58 Criteria xiii - there is no existing development, approved developments or developments the subject of valid applications in proximity to the application site that would result in cumulative effects.
- 7.59 The proposed development would contribute to achieving net zero by 2050 by potentially increasing the amount of zero carbon renewable electricity generated and supplied to the National Grid. This would help to further decarbonise the production sector and achieve National Grid's target of a Net Zero electricity system by 2030. In any case, the above assessment demonstrates how potential impacts from the development can be adequately

mitigated. As the proposals are to be connected to the grid, the applicant advises that the proposed development would be connected to the grid substation located south-east of the site via underground cable.

7.60 **The proposal is in accordance with Policy 11 subject to conditions.**

7.61 **Policy 13 (Sustainable Transport) Part b)** - states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii will be accessible by public transport, ideally supporting the use of existing services;
- iii integrate transport modes;
- iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii adequately mitigate any impact on local public access routes.

7.62 Vehicular access to the development will be taken from the existing access to Star Inn Farm accessed from the C12 road to the west of the application site. The access is approximately 80m north of the A90. The internal road will provide access to all parts within the site. The existing access (Star Inn Farm) currently comprises a hard-surfaced access, and in order to provide suitable access for construction once within the site, and delivery vehicles, a crushed aggregate haul road will be provided.

7.63 The construction traffic management plan submitted with the application advises that once operational, the battery energy storage site will be unmanned and will not be a trip attractor, with the exception of one trip approximately every 28 days associated with maintenance, which is to be undertaken in a transit-type van. Adequate room to park such a vehicle during this visit is available on site. On this basis, no vehicle charging points or cycle parking are considered necessary.

7.64 The site layout and proposed access locations allow safe and adequate provision is made for road freight and loading and unloading. The Head of Sustainable Transport and Roads has reviewed the Construction Traffic Management Plan submitted with the application and is satisfied with its conclusion. The Head of Sustainable Transport and Roads does not advise that any conditions are required upon grant of consent.

7.65 Overall, the proposed development will not have any significant effect on the capacity or safe functioning of the existing local or trunk road network.

- 7.66 **The proposal is in accordance with Policy 13 Part b).**
- 7.67 **Part g) of Policy 13** - states development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.
- 7.68 The application has been reviewed by Transport Scotland as trunk road authority. Transport Scotland has also reviewed the Construction Traffic Management Plan submitted with the application and does not object to the proposals, nor request any conditions to be included upon grant of consent.
- 7.69 **The proposal is in accordance with Policy 13 Part g).**
- 7.70 **Policy 14 (Design, Quality and Place) part b)** - states development proposals will be supported where they are consistent with the six qualities of successful places: Healthy, Pleasant, Connected, Distinctive, Sustainable and Adaptable
- 7.71 The proposal is for a battery energy storage system and associated infrastructure. The fenced compound which would contain the battery containers and associated infrastructure would measure some 118 metres in length by 47 metres in width, with the fencing being 2.1 metres in height. All containers and cabins within the compound would be 2.9m high, with the camera and satellite communications poles being 3m high. The acoustic barrier fencing that would extend the partial length of the south and west edges of the compound would be 4m in height. All containers and fencing will be painted a dark green colour to reduce their visual appearance within the landscape.
- 7.72 The southern portion of the application site is characterised by a collection of disused and partly dilapidated polytunnels. The design of the proposed BESS installations would be somewhat utilitarian in appearance with the proposed battery containers effectively having a similar size and profile to shipping containers. The development would also be situated adjacent to an area to the west, which is characterised by existing polytunnel buildings, which are similar in size. It is therefore considered that such a development would likely have a similar visual impact to the polytunnel development that existed on the site previously.
- 7.73 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application proposals. The LVIA considers that the existing site is formed by agricultural fields surrounded by dense, mature boundary hedgerows and trees that screen/filter the majority of views into the development area. The site therefore benefits from a good level of existing natural screening to the south from a number of trees and hedgerows, with all existing trees and hedging within the boundary of the application site to be retained. Additional landscaping is proposed within the application site. The applicant has submitted a basic landscaping plan which confirms trees, hedging and wildflower grassland is to be provided within the site as part of the proposal. This includes a reinforced field margin along the south, east and west boundaries of the application site filling, a new section of hedging along the west boundary, and new tree groups to north and south of the compound area. The landscaping proposals not only contribute to the biodiversity of the site but will also provide additional effective visual screening of the BESS compound from out with the site. Considering the form of the proposed development and the additional planting proposed, the findings of the LVIA are supported insofar that the proposed BESS development would not fundamentally change the wider character of the landscape beyond the immediate site landscape.

- 7.74 It should be noted that the requirement for the proposed acoustic barrier was identified after the LVIA was carried out. Nevertheless, it is considered that due to the proposed size and positioning of the acoustic barrier, it would not appear out of place in the context of the BESS compound which it would be positioned against and would not significantly change the conclusions of the LVIA. A condition has been included to require full details of the acoustic barrier to be provided, which will allow control over materials and appearance, thus ensuring its visual impact will be acceptable.
- 7.75 The proposal would also operate for a limited period and a condition has been attached to this recommendation requiring that when the facility is no longer required, that the battery storage facility and its ancillary equipment shall be dismantled, removed from the site and the ground reinstated.
- 7.76 In respect of the six qualities of successful place, the applicant's supporting documents demonstrate compliance (where relevant) with the six qualities of successful place. The Planning Statement submitted with the application considers the development could be successfully accommodated and assimilated into the surrounding landscape without causing significant harm to the landscape character, visual amenity or landscape setting which is in line with the above assessment.
- 7.77 **The proposal is in accordance with Policy 14, subject to conditions.**
- 7.78 **Policy 22 (Flood Risk and Water Management) Part c)** states development proposals will:
- i not increase the risk of surface water flooding to others, or itself be at risk.
  - ii manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer; and
  - iii seek to minimise the area of impermeable surface.
- 7.79 The applicant has submitted a Flood Risk and Drainage Assessment which includes an outline drainage design.
- 7.80 The Flood Risk and Drainage Assessment submitted with the application advises that whilst there are areas at risk of surface water flooding within the red line boundary of the application site, the current layout of the BESS compound is not within these areas, and therefore is shown to be at a little to no risk from surface water flooding.
- 7.81 The Flood Risk and Drainage Assessment submitted with the application advises that a detention basin within open land to the east of the BESS development is proposed to provide the required attenuation and treatment of surface water. The detention basin would then discharge into an open grassed channel which would provide an additional level of treatment.
- 7.82 Subject to the provision of appropriate on-site drainage provision, the Flood Risk and Drainage Assessment demonstrates the proposed development would not be at any significant risk from flooding and would not increase the risk of flooding at the site or within the surrounding area.
- 7.83 Hard surfaces within the application site are proposed to be formed from a crushed aggregate material and therefore would be permeable.
- 7.84 Dundee City Council Engineers have reviewed the submitted Flood Risk and Drainage Assessment and advise that the drainage information is acceptable in principle, subject to full

surface water drainage specifications being agreed. As discussions between Dundee City Council Engineers and the applicant are ongoing, should planning permission be granted, planning conditions are recommended to ensure that full details of the system are agreed.

- 7.85 **The proposal is in accordance with Policy 22, subject to conditions.**
- 7.86 **Policy 23 (Health and Safety) Part e** states development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.
- 7.87 The applicant has submitted a Noise Impact Assessment (NIA) which considers the impact of noise associated with the proposed development on surrounding land uses which include housing. The nearest identified Noise Sensitive Receptors (NSRs), which have a high level of sensitivity, are existing residential properties located at varying distances to the north, east, south and west of the proposed development. The curtilage of the closest residential receptor is approximately 115m to the south of the nearest noise emitting plant. This is a dwelling located on the south side of the A90 trunk road. Other residences are located between 250m and 450m away in various directions. Located approximately 500m to the northeast of the proposed development is a new residential development which is currently under construction. The NIA proposes mitigation measures comprising a 4m high acoustic barrier along the partial length of the south and west edges of the BESS compound.
- 7.88 The submitted NIA explains that in order to predict the noise emission levels of the Proposed Development, noise modelling has been based on candidate plant typical for the size and class of the proposed development, noting that that final plant specifications for the development may vary during the tendering. The NIA concludes that the Proposed Development will not have an adverse noise impact on the nearest residential NSRs or the local area.
- 7.89 The Head of Community Safety and Protection has reviewed the NIA and advised that a frequency band analysis is also required to demonstrate compliance with noise rating curves (NR35). Furthermore, they advise that as the noise modelling and assessment is based on candidate plant only, the assessment will need to be repeated if the proposed plant were to change.
- 7.90 In response, the applicant has submitted a revised NIA which demonstrates that the calculated noise levels are below the NR criteria for all Noise Sensitive Receptors (NSRs). In response to the point about typical candidate plant being used for the noise modelling, the applicant advises that such an approach is typical for battery energy storage system developments where plant manufacturers are not chosen until after planning permission is secured. On this basis the applicant advises that they are content for another Noise Impact Assessment to be undertaken once the final plant specification is known.
- 7.91 Subject to the inclusion of conditions which require the submission of an updated NIA, together with demonstration that NR levels can be achieved, the proposed development would have no significant impact on residential amenity. The design and appearance of any mitigation measures will also be controlled by condition.
- 7.92 **The proposal is in accordance with Policy 23 subject to conditions.**
- 7.93 **Policy 29 (Rural development) Part a** states that a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be

supported. It then lists several types of proposals, and of relevance to development in this case are:

- ii - diversification of existing businesses; and
- v - essential infrastructure.

7.94 The glossary of NPF4 defines essential infrastructure as including all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission, electricity grid networks and primary sub stations. The proposed BESS fits within this definition and is therefore supported by Policy 29.

7.95 The applicant has submitted a planning statement which includes an agricultural justification for the siting of the proposed BESS within the rural setting of Star Inn Farm. The statement advises that the farm supports 12 permanent members of staff (equalling eight families and the landowner who are dependent on the income from this business) plus approximately 50 seasonal workers employed for fruit picking. It is noted that over the past few years, farm running costs have spiralled and returns have not matched the ever-increasing operating expenses. As a result, the farm owner has, in order to protect jobs and ensure the ongoing viability of the farm, sought to diversify their business in several ways by:

- expanding the farm shop;
- freeze drying fruit for sale to a different market;
- growing honeyberries as a new crop; and
- seeking alternative long-term land uses for sustained and reliable income (this BESS Project).

7.96 It is considered that the proposed BESS, as a piece of essential infrastructure, would contribute to the viability, sustainability and diversity of the local rural economy by providing a steady and guaranteed income over its expected 40-year lifespan to support the remaining 378 acres of land which form the farming business.

7.97 **Part b) of Policy 29** states that development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.

7.98 The scale and character of the proposed development has been assessed in detail against NPF4 policy 14, where it is found that the proposals would have an acceptable visual impact, and would not fundamentally change the wider character of the landscape beyond the immediate site landscape. As discussed above, the battery energy storage site will be unmanned and will not be a trip attractor. Whilst this means the transport needs of the development are very low, there would be little opportunity for the development to contribute towards local living.

7.99 **The proposal is in accordance with Policy 29.**

#### **DUNDEE LOCAL DEVELOPMENT PLAN 2019**

7.100 **Policy 1: High Quality Design and Placemaking** – all development proposals should follow a design-led approach to sustainable, high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should

be planned and designed with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, create a sense of community and identity, enhance connectivity and incorporate creative approaches to urban design, landscaping and green infrastructure, appropriate to the local context and the scale and nature of the development. New development will be required to meet the 6 qualities of successful place in accordance with the guidance provided in Appendix 1.

7.101 Design and placemaking are considered under Part b) of Policy 14 of National Planning Framework 4, where it is found that the proposals would have an acceptable visual impact and would not fundamentally change the wider character of the landscape beyond the immediate site landscape. The proposed development landscaping would not only contribute to the biodiversity of the site but will also ensure the site would be visually attractive from out with the site. The proposal meets the 6 qualities of successful place as relevant.

7.102 **The proposal is in accordance with Policy 1.**

7.103 **Policy 31: Development within the Open Countryside** - states that within the areas designated as Open Countryside on the Proposals Map there will be a presumption against all new development unless:

- 1 the proposed development consists of no more than one additional building in a group of up to seven buildings or by two additional buildings in a larger group; or
- 2 the proposed development involves the restoration of an existing stone building of architectural merit and that has four walls surviving to wall head height; or
- 3 the proposed development is supported by an agricultural justification; or
- 4 the proposed development is consistent with a masterplan, strategy or programme approved by the Council.

7.104 The application site is located within an area designated as Open Countryside in the Dundee Local Development Plan 2019.

7.105 As considered under Part a) of Policy 29 of National Planning Framework 4, the applicant has submitted a planning statement which includes an agricultural justification for the siting of the proposed BESS within the rural setting of Star Inn Farm.

7.106 It is considered that the proposed BESS would contribute to the viability, sustainability and diversity of the local rural economy by providing a steady and guaranteed income for the farm business over its 40-year lifespan to support the remaining 378 acres of land. The BESS system would be a form of rural diversification that would justify its location with the Open Countryside.

7.107 **The proposal is in accordance with Policy 31.**

7.108 **Policy 34: Protected Species** – states development proposals which are likely to have a significant effect on a European protected species will not be supported unless:

- 1 there is no satisfactory alternative; and
- 2 the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment.



Development proposals which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range will not be supported. Development proposals that would be likely to have an adverse effect on a species protected under the Wildlife and Countryside Act 1981 (as amended) will not be supported unless the development is required for preserving public health or public safety. For development affecting a species of bird protected under the 1981 Act there must also be no other satisfactory solution.

- 7.109 The impact of the development on protected species and ecology is considered under Policies 3 and 4 of National Planning Framework 4. The proposal would have no detrimental impact on any protected species, and mitigation measures are to be implemented as part of the proposals which support wildlife including new planting and landscaping. It is recommended that the implementation of measures to enhance biodiversity are controlled by condition.
- 7.110 **The proposal complies with Policy 34, subject to conditions.**
- 7.111 **Policy 35: Trees and Urban Woodland** – the Council will support the establishment and enhancement of woodland, tree belts and corridors. New development must ensure the survival of woodland, hedgerows and individual trees, especially healthy mature trees, of nature conservation or landscape value through sensitive site layout both during and after construction, unless removal has been approved in advance by the Council. Where appropriate, development proposals must be accompanied by maintenance arrangements and justification for the removal of any trees or hedgerows.
- 7.112 Trees and planting are considered under Policy 6a of National Planning Framework 4. All existing trees within the boundary of the application site are to be retained. A range of new planting is proposed as part of the proposed development, including trees, shrubs and wildflowers. It is recommended that conditions are attached to any planning permission granted to ensure the proposed landscaping is implemented, and that any new trees and shrubs which die or become damaged are replaced to maintain the desired screening effect, provide an attractive development and contribute to the environmental quality of the application site.
- 7.113 **The proposal is in accordance with Policy 35, subject to conditions.**
- 7.114 **Policy 36: Flood Risk Management** – states within Low to Medium Risk Areas with a 1 in 1000 to 1 in 200-year annual probability of flooding will be suitable for most development. A flood risk assessment may be required at the upper end of the probability range or where the nature of the development or local circumstances indicates heightened risk. These areas are generally not suitable for essential civil infrastructure. Where such infrastructure must be located in these areas, it should be capable of remaining operational and accessible during extreme flooding events.
- 7.115 Flood risk is considered under Policy 22 part c) of National Planning Framework 4. Subject to the provision of appropriate on-site drainage provision, the flood risk assessment demonstrates the proposed development would not be at any significant risk from flooding, and would not increase the risk of flooding at the site or within the surrounding area.
- 7.116 **The proposal is in accordance with Policy 36.**
- 7.117 **Policy 37: Sustainable Drainage Systems** – surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SuDS) except for single houses or where discharge is to coastal waters. SuDS should be designed so that the water level during a 1:200-year rainstorm event plus allowances for climate change and future urban expansion is at least 600mm below finished floor levels. This

incorporates an allowance for the effect of climate change. In addition, proposals will be encouraged to adopt an ecological approach to surface water management, ensure an appropriate level of treatment and exploit opportunities for the system to form an integral part of the Dundee Green Network through habitat creation or enhancement through measures such as the formulation of wetlands or ponds. Proposals should have no detrimental impact on the ecological quality of the water environment.

- 7.118 Surface water management is considered under Policy 22 part e) of National Planning Framework 4. As discussions between Dundee City Council Engineers and the applicant are ongoing, should planning permission be granted, planning conditions are recommended to ensure that full details of the system are agreed.
- 7.119 **The proposal is in accordance with Policy 37, subject to conditions.**
- 7.120 **Policy 39: Environmental Protection** – all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses.
- 7.121 Noise is considered above under Policy 23 part e) of the National Planning Framework 4. The assessment finds that subject to the inclusion of conditions which require the submission of an updated NIA, together with demonstration that NR levels can be achieved, the proposed development would have no significant impact on residential amenity.
- 7.122 A condition has been added which requires full details of a proposed lighting scheme to be submitted to and approved in writing by Dundee City Council. This will ensure any lighting will have no detrimental impact on any sensitive properties with regards to light spillage and glare.
- 7.123 **The proposal is in accordance with Policy 39, subject to conditions.**
- 7.124 **Policy 41: Land Contamination** – development of potentially contaminated or statutorily identified contaminated land will be considered where:
- 1 a site investigation is submitted establishing the nature and extent of contamination; and
  - 2 the Council is satisfied that remediation measures proposed for the development, adequately address contamination risks to all receptors, such that the land demonstrably does not meet the statutory definition of contaminated land and is suitable for the planned use.
- 7.125 Contaminated land is considered under Policy 9 part c) of National Planning Framework 4. Planning conditions are recommended requiring the submission and approval of a Preliminary Risk Assessment for contaminated land, together with (if required) an Intrusive Investigation and a scheme to deal with any contamination. Conditions will also require a remediation strategy along with verification proposals.
- 7.126 **The proposal is in accordance with Policy 41, subject to conditions.**
- 7.127 **Policy 44: Waste Management Requirements for Development** – development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as

outlined in the Waste (Scotland) Regulations 2012. The policy also requires site waste management plans to be prepared and used during the construction of major developments.

7.128 A condition is recommended, should planning permission be granted, to ensure a site waste management plan is prepared and used during the construction of this major development.

7.129 **The proposal is in accordance with Policy 44, subject to a condition.**

7.130 **Policy 45: Energy Generating Facilities** – states that Proposals for small scale energy generating facilities out with Principal or General Economic Development Areas, other than single user or domestic appliances, will only be acceptable where their primary function is the production of heat or combined heat and power for local residential and business consumption.

Development may be acceptable where:

- 1 the Council is satisfied that there will be no significant negative effects in terms of their scale, design, location, emissions, landscape setting, storage requirements, and cumulative impact, odour or noise; and
- 2 levels of pollutants have been minimised through the use of best available technology, including abatement technology.

7.131 As discussed above, battery storage has been confirmed by the Scottish Government's Chief Planner as an energy generating development. In this context, the proposed BESS is located outwith Dundee's Principal or General Economic Development Areas and is not for a single user or domestic appliance.

7.132 **The proposal is contrary to Policy 45.**

7.133 **Policy 52: Scheduled Monuments and Archaeological Sites-** Part b) states where any proposal could affect a site of known archaeological importance or potential, the applicant will be required to provide an assessment of the archaeological value of the site and the likely impact of the proposal on the archaeological resource. Such an assessment will require a field evaluation to be carried out to the reasonable satisfaction of the Council, to determine:

- 1 the character and extent of the archaeological remains;
- 2 the likely impact of the proposal on the features of archaeological interest; and
- 3 the ways in which the development proposal can be amended or designed in order to mitigate its impact on the archaeological remains.

Where the development is considered to be acceptable and it is not possible to preserve the archaeological resource in situ, the developer will be required to make arrangements for an archaeological investigation. Planning conditions will be used and agreements sought to secure these arrangements.

7.134 As considered under Policy 7 part o) of National Planning Framework 4, it is recommended a programme of archaeological works be progressed prior to any works on site. This can be controlled by condition.

7.135 **The proposal is in accordance with Policy 52, subject to a condition.**

7.136 **Policy 54: Safe and Sustainable Transport** – all development proposals that generate travel should be designed to be well served by all modes of transport. In particular the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.

Development proposals will be required to:

- 1 minimise the need to travel by private car;
- 2 provide facilities on-site (and/or off-site through developer contributions or by direct delivery) for walking, cycling and public transport networks, including road/junction improvements and cycle parking. Developments without high quality, safe and convenient links to adjacent walking and cycling networks will not be supported;
- 3 incorporate measures to permit access to public transport networks within a walking distance of no more than 400 metres from all parts of the development;
- 4 have no detrimental effect on the capacity or safe functioning of the existing road or rail networks;
- 5 ensure that safe and adequate provision is made for road freight and waste access, loading and unloading;
- 6 comply with the National Roads Development Guide and any local variations within Dundee City Council's roads design standards; and
- 7 be supported by a travel plan to mitigate transport impacts and improve the accessibility of developments where the Council considers that the development will generate significant travel.

Walking and cycling routes should be fully useable prior to the first occupation of a new development.

7.137 The construction traffic management plan submitted with the application advises that once operational, the battery energy storage site will be unmanned and will not be a trip attractor, with the exception of one trip approximately every 28 days associated with maintenance, which is to be undertaken in a transit-type van. Adequate room to park such a vehicle during this visit is available on site. On this basis, no vehicle charging points or cycle parking are considered necessary, nor are links to adjacent walking and cycling networks.

7.138 The site layout and proposed access locations allow safe and adequate provision is made for road freight and loading and unloading. The Head of Sustainable Transport and Roads has reviewed the Construction Traffic Management Plan submitted with the application and is satisfied with its conclusion. The Head of Sustainable Transport and Roads does not advise that any conditions are required upon grant of consent.

7.139 **The proposal is in accordance with Policy 54.**

7.140 **Policy 56: Parking – Developments Out with the City Centre** – vehicle parking – all new developments shall be required to comply with Dundee City Council's adopted guidance on road standards; with the national maximum parking standards; and the national minimum disabled parking standards. All parking facilities at commercial developments should include the provision of charging stations for electric vehicles.

- 7.141 Cycle Parking – all new developments should include cycle parking facilities in accordance with Dundee City Council’s adopted guidance on roads standards and the Appendix 4 design standards.
- 7.142 As above, the construction traffic management plan submitted with the application advises that once operational, the battery energy storage site will be unmanned and will not be a trip attractor, with the exception of one trip approximately every 28 days associated with maintenance, which is to be undertaken in a transit-type van. Adequate room to park such a vehicle during this visit is available on site. On this basis, no vehicle charging points or cycle parking are considered necessary.
- 7.143 **The proposal is in accordance with Policy 56.**
- 7.144 **The proposal is not in full accordance with the Local Development Plan.**

## **MATERIAL CONSIDERATIONS**

- 7.145 The material considerations to be taken into account are as follows:

### **A – REPRESENTATIONS**

- 7.146 One letter of support was received. The letter considers that sufficient screening should be proposed in order to provide an effective visual barrier and enhance the biodiversity around the application site.
- 7.147 Design and placemaking are considered under Part b) of Policy 14 of National Planning Framework 4, where it is found that the proposals would have an acceptable visual impact and would not fundamentally change the wider character of the landscape beyond the immediate site landscape. The proposed development landscaping would not only contribute to the biodiversity of the site but will also ensure the site would be visually attractive from out with the site. The proposal meets the 6 qualities of successful place as relevant.

### **B - DEPARTURE FROM POLICY 9 OF NATIONAL PLANNING FRAMEWORK 4**

- 7.148 The proposal is not in accordance with Policy 9 Part b) (Brownfield, Vacant and Derelict Land and Empty Buildings).
- 7.149 Part of the proposed BESS would occupy greenfield land, which in this location, is not allocated for such use nor explicitly supported by policies in the LDP and is therefore contrary to Policy 9 Part b).
- 7.150 Only the northern portion of the BESS compound would be located on an area of greenfield land in use for the cultivation of cereal crops. It is understood that whilst it would have been optimal for the BESS compound to be located entirely within the footprint of the existing disused polytunnels, this was not possible due to the associated plant being located closer to existing residential properties, thus resulting in a potential noise impact. Whilst it is recognised that the use of greenfield land is discouraged, the applicant has submitted sufficient supporting information which details the reasoning for the facility to be situated at this greenfield/countryside location. The proposal has evidenced the need for a countryside, and thus greenfield location, in compliance with Policy 31 of the LDP. The proposal would help to further decarbonise the energy production sector and achieve the National Grid’s target of a Net Zero electricity system by 2030, and would comply with Policy 11 of NPF4 which provides support for all forms of renewable, low-carbon and zero emissions technologies. Landscaping proposals will provide effective visual screening of the greenfield site, meaning the development would not be readily obvious in its wider setting. Furthermore, the proposed

BESS is a limited use of the greenfield area of land, with careful restoration of the site to agricultural use afterward avoiding any permanent adverse impacts on the local environment.

### **C – DEPARTURE FROM POLICY OF DUNDEE LOCAL DEVELOPMENT PLAN 2019.**

- 7.151 The proposal is contrary to Policy 45 (Energy Generating Facilities).
- 7.152 The proposed BESS is located out with Dundee's Principal or General Economic Development Areas and is not for a single user or domestic appliance and is therefore contrary to Policy 45.
- 7.153 The pretext to Policy 45 advises that 'Some major energy generating facilities require to be supplied with large quantities of virgin biomass materials, waste materials, or a combination of both. These are transported to the site via road, rail or sea. Given the scale and nature of the operation of these facilities they are more suited to existing employment areas'. Furthermore, 'Smaller scale energy generating facilities may be acceptable in locations out with existing employment areas' with the policy text referring to smaller scale energy generating facilities being for the 'production of heat or combined heat and power for local residential and business consumption'.
- 7.154 As discussed above, the proposed battery energy storage system is considered to be an energy generating facility by the Scottish Government. Battery energy storage systems are a relatively new concept, and therefore do not fit the typical properties of more traditional energy generating facilities as envisioned at the time Policy 45 was written. The proposed BESS does not require to be supplied with large quantities of virgin biomass materials, waste materials, instead being supplied via underground cable. The proposed BESS is a form of zero emissions technology with no ongoing requirement for proximity to road or rail links. Furthermore, it would be able to be accommodated without an unsatisfactory level of disturbance on the surrounding area, with landscaping proposals meaning the development would not be readily obvious in its wider setting. There is therefore no material reason that the proposed BESS should be required to be located within a Principal or General Economic Development Area.
- 7.155 **It is concluded that there are material considerations which would justify approval of planning permission.**

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## **8 CONCLUSION**

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- 8.1 The application for the proposed battery energy storage system does not fully accord with the development plan. However, there are material considerations of sufficient weight that would justify approval of planning permission. Therefore, it is recommended that planning permission be granted subject to conditions.

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## **9 RECOMMENDATION**

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- 9.1 It is recommended that planning permission be GRANTED subject to the following conditions:
- 1 **Condition** - the development hereby permitted shall be commenced within three years from the date of this permission.
- Reason** - to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 **Condition** - the development hereby permitted must be removed from the land on which it is situated within 12 months of it no longer being needed for battery energy storage purposes and the land must be restored in accordance with a decommissioning and site restoration scheme that has been submitted to and agreed in writing by the Planning Authority. This decommissioning scheme shall include an ecological survey, carried out by a suitably qualified ecologist, identifying any ecological constraints arising from decommissioning activities, any areas where new habitats that may have established need to be retained, and where any unavoidable loss of new habitat occasioned by decommissioning activities may need to be compensated for (on or off-site).

**Reason** - in the interests of visual amenity; in order that the Planning Authority retains control of the site after the period of planning permission expires and in the interests of protecting the ecology of the site and surrounding area, including new habitats that may have established.

- 3 **Condition** - development shall not begin until a Preliminary Risk Assessment for contaminated land is completed and, if required, an Intrusive Investigation and a scheme to deal with contamination at the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of proposals to deal with contamination to include:
- i assessment of the risks associated with contaminant sources, pathways and receptors specific to the proposed use of the site, and if necessary.
  - ii a remediation Implementation Plan detailing measures to treat/remove contamination and mitigate risks to ensure the site is fit for the proposed use,
  - iii measures to deal with contamination during construction works, and
  - iv verification of the condition of the site on completion of decontamination measures.

**Reason** - in order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

- 4 **Condition** – prior to the first operation of the facility the remediation scheme shall be fully implemented and a verification report with relevant documentation demonstrating that the objectives of the remediation strategy have been achieved shall be submitted to and approved by the Planning Authority.

**Reason** - in order to ensure that any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

- 5 **Condition** - no development shall take place on site until temporary protective fencing has been erected around the existing trees to be retained on the development site. This temporary protective fencing shall be 2.3 metres in height, erected prior to works commencing and kept in good condition throughout the works, all in accordance with Figure 2 of British Standard 5837:2005 “Trees in Relation to Construction”

All weather notices shall be erected on said fencing with words such as “construction exclusion zone- Keep out” and the fencing shall remain on site and intact through to completion of the development.

Care must be taken when planning site operations to ensure that wide or tall loads, or plant with booms, jibs and counterweights can operate without coming into contact with any retained trees.

Material that will contaminate the soil, e.g. concrete/mortar mixing, diesel oil, paints, solvents and vehicular washings, shall not be discharged within 10 metres of any tree trunk. Allowance shall be made for the slope of the ground so that such damaging materials cannot run towards retained trees.

**Reason** - to ensure the retention and maintenance of the trees on the site which make an important contribution to the visual appearance of the area.

6 **Condition** - prior to the commencement of any construction works, a detailed scheme of landscaping and associated maintenance schedule shall be submitted to and approved by the Planning Authority. The scheme shall include details of:

- a existing trees, shrubs and hedges to be removed;
- b existing trees and landscape features to be retained;
- c the location of new trees, shrubs, hedges, grassed areas and water features; and
- d a schedule of planting to comprise species, plant sizes and proposed numbers and density.

Thereafter, the agreed landscaping shall be implemented prior to first operation of the development and maintained for the lifetime of the planning permission hereby granted. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased shall be replaced by trees or shrubs of similar size and species to those originally required to be planted in terms of this condition.

**Reason** - to ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

7 **Condition** - before the development is brought into use, full details of a proposed lighting scheme shall be submitted to and approved in writing by the Planning Authority. The submitted scheme shall indicate the measures to be taken for the control of any glare or stray light arising from the operation of the artificial lighting and shall demonstrate that this will have no detrimental impact on any neighbouring public roads, sensitive properties or adjacent sensitive habitats with regards to light spillage and glare. Thereafter, the lighting shall be installed and maintained in accordance with the manufacturer's specification and approved details.

**Reason** - in the interests of safeguarding the amenity of the surrounding area and species protection.

8 **Condition** - prior to the commencement of development, a scheme of features or measures to enhance biodiversity, such as those measures set out submitted document entitled 'Biodiversity Net Gain Assessment' by Gavia Environmental, dated 28/09/2023 shall be submitted to and agreed in writing by the Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

**Reason** - to ensure that a satisfactory biodiversity enhancement scheme is proposed and implemented, mitigating the biodiversity impact that development has on the site.



- 9 **Condition** - if any vegetation clearance is to take place within the bird nesting season (March to August inclusive), then prior to any such works taking place, the developer shall be required to first gain the express written consent of the Planning Authority. This shall require the developer to submit a walkover survey during the bird nesting season in question, undertaken by a suitably qualified ecologist.

**Reason** - in the interests of biodiversity and ecology.

- 10 **Condition** - prior to the commencement of any works on site, a detailed surface water drainage/SUDS design including drawings, calculations, full modelling, simulation results, design risk assessment, signed Dundee City Council Design Compliance and Independent Check Certification, evidence of compliance with the Simple Index Approach as described in section 26.7.1 of the CIRIA SUDS Manual (C753), and where appropriate SEPA comments shall be submitted to the Planning Authority for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to the first occupation of the development hereby approved.

**Reason** - in the interests of flood protection

- 11 **Condition** - prior to the commencement of any works on site, details of measures proposed to manage surface water run-off from the site during construction shall be submitted to the Planning Authority for written approval. Thereafter, all works approved by virtue of this condition shall be carried out prior to construction works commencing on any part of the development hereby approved

**Reason** - in the interests of flood protection

- 12 **Condition** - prior to the commencement of any works on site, maintenance responsibilities along with a maintenance schedule for the surface water drainage system/SUDS features shall be submitted to the Planning Authority for written approval. Thereafter, all works approved by virtue of this condition shall be carried out in perpetuity.

**Reason** - in the interests of flood prevention and visual amenity.

- 13 **Condition** - prior to the commencement of development, a construction waste management plan shall be submitted to and approved in writing by the Planning Authority. This shall contain details of how site waste will be controlled during the construction of the development.

**Reason** - in the interest of sustainable waste management.

- 14 **Condition** - prior to commencement of any works on site, the developer shall secure the implementation of a programme of archaeological work in accordance with a detailed written scheme of investigation which has been submitted by the developer and approved in writing by this Planning Authority.

**Reason** - in order to safeguard the archaeological heritage of the site and to ensure that the developer provides for the investigation, recording and rescue excavation of any remains on the site in advance of their loss to development.

- 15 **Condition** - upon final specification of plant and layout, and before first operation, a revised Noise Impact Assessment (NIA) shall be submitted to Dundee City Council for approval. The NIA should be undertaken in accordance with BS 4142:2014+A1:2019, as well as demonstrating that the noise levels from the Development shall not exceed NR30 as calculated 1 metre external to the façade of any residential property. This assessment

shall include full details of any necessary mitigation measures including their design and appearance and thereafter, the noise mitigation measures shall be fully implemented before first operation of the facility, and retained and maintained thereafter.

**Reason** - in the interests of maintaining surrounding residential amenity and in the interests of the visual amenity of the area.

- 16 **Condition** - the total noise from all mechanical and electrical plant/services shall not exceed NR30, as measured 1 metre external to the facade of any residential property.

**Reason** - in the interests of maintaining surrounding residential amenity.